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DEC 07 2004

TECHNOLOGY CENTER 3600

In re application of
Stephen Brown
Application No. 10/605,229
Filed: September 16, 2003
For: NETWORKED REMOTE PATIENT
MONITORING WITH HANDHELD
DEVICES

DECISION ON REQUEST
FOR WITHDRAWAL OF
ATTORNEY

This is a decision on the request filed on October 22, 2004, under 37 CFR 1.36 and MPEP 402.06, requesting permission to withdraw as the attorney of record in the above-identified application.

The request is **NOT APPROVED**.

Under 37 CFR 1.36 an attorney may withdraw only upon application to and approval by the Commissioner. It should be noted that a withdrawal is effective when approved, not when filed. For approval of such a request the following conditions must be met:

- A) Each attorney of record must sign the notice of withdrawal, or the notice must contain a clear indication of one attorney signing on behalf of another, because the Office does not recognize law firms;
- B) There must be at least 30 days between approval of the withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a);
- C) A proper reason for the withdrawal as enumerated in 37 CFR 10.40(b) or subsection (1)-(6) of 37 CFR 10.40(c) must be provided;
- D) The applicant or patent owner must have been notified of the withdrawal as provided for in 37 CFR 1.36.

The request to withdraw as attorney in the above-identified application is not approved because the request does not comply with Item A) and C) above.

As to condition (A), the attorneys listed in the request do not correspond to those listed in the Power of Attorney (Appendix A) filed February 23, 2004. If only the attorneys listed in the request are to have power withdrawn and those not listed is intended to remain having power of attorney for this case, this needs to be made clear in any supplemental request; otherwise those attorneys not listed would need to be added to the request.

As to condition (C), it is not clear how the discontinuation of the attorney client relationship occurred. (The attorneys may not discontinue on their own accord).



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KJD/slb: 11/29/04